

REMARKS

Applicant hereby amends the specification in paragraph 0037 to correct typographical errors. Support for these amendments can be found in the specification at least in the “Summary of the Invention” section in paragraph 0011 and in FIGS. 2 and 2A-C. More particularly, as shown in FIG. 2B, when the actuator 28 is in the intermediate position, the movable element 36 is extended in the distal direction, and the window *opening* 32 is closed. The specification as originally filed included a typographical error incorrectly stating that the window 26 is closed in the intermediate position, rather than the “window opening 32.” As shown in FIG. 2B, in the intermediate position the window, defined by the gap between the distal end of the slot and the distal end of the movable element, is clearly shown as not closed. Accordingly, no new matter is added.

Applicant also hereby amends the pending claims to clarify the instant invention and to distinguish over the recently disclosed art, in particular U.S. patent no. 5,860,993 to Thompson et al. (“Thompson”), which was submitted in a Supplemental Information Disclosure Statement mailed January 14, 2005. Claims 3, 5, and 10 are cancelled and resubmitted as claims 12, 14, and 16, respectively, to establish proper dependencies.

Claim 1 is amended to recite “a surgical instrument for treating female urinary incontinence, the instrument comprising...[...]...a window including an L-shaped slot located within a distal end portion of the shaft, the L-shaped slot including a first leg extending radially inward and a second leg extending axially in a distal direction from an inner end of the first leg.” Support for amended claim 1 can be found in the specification, for example, in paragraph 0036 and in FIGS. 2 and 2A-C. Thompson does not teach or suggest a surgical instrument for treating female urinary incontinence including the recited L-shaped slot. Hence, the instant claims are patentably distinct over Thompson.

Claim 4 is amended to include matter from originally allowed claim 1. Support for this amendment can be found in the specification, for example, in paragraphs 0035 and 0039 and originally allowed claim 1.

Claim 11 is newly added and incorporates matter from originally allowed claim 1 and from the specification. Support for this amendment can be found in the specification, for example, in paragraph 0037 and FIGS. 2 and 2A-C and originally allowed claim 1.

Claim 13 is newly added and incorporates matter from originally allowed claim 4. Support for this amendment can be found in the specification, for example, in paragraphs 0039 and 0040 and in originally allowed claim 4.

Claim 15 is newly added and resubmits matter from originally allowed claim 1.

Claim 17 is newly added. Support for this claim can be found in the specification, for example, in paragraph 0006.

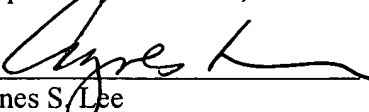
Claim 18 is newly added. Support for this claim can be found in the specification, for example, in paragraphs 0006, 0008, 0012, 0018, and 0051.

Amended claims 1-2, 4, and 6-9 as well as newly added claims 11-18 present no new matter. In view of the above amendment, Applicant request approval and entry of these amendments and allowance of claims 1-2, 4, 6-9, and 11-18 in due course.

Applicant believes that no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. MIY-P01-011 from which the undersigned is authorized to draw.

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Respectfully submitted,

By 

Agnes S. Lee

Registration No.: 46,862
ROPES & GRAY LLP
One International Place
Boston, Massachusetts 02110-2624
(617) 951-7000
(617) 951-7050 (Fax)
Attorneys/Agents For Applicant